

Antonio Gordon 259798
ECZ smu A 232
610 Hwy 9 West
Bennettsville, SC 29512
December 23, 2013

RECEIVED

DEC 27 2013

S.C. Supreme Court

RE: Antonio Gordon v. State
Appellate Case No. 2013-002153
Lower Court Case No. 2000-CP-46-01414

Dear clerk:

Please find enclosed the Order of Dismissal Issued December 9, 2003, and not 2006, Also enclosed are a motion to releave Tara D. Shurling, esq, as Counsel and leave to file a Pro se Explanation why Appellants ~~order~~ the December 9, 2003, order should not be vacated and pro se notice of appeal should not be dismissed as moot. Opposing Counsel have been served with the same.
Thanks.

Antonio Gordon

STATE of South Carolina
IN The Supreme Court

Appeal from York County
Circuit Court of Common Pleas
J. Ernest Kinard, Circuit Court Judge

Appellate Case No. 2013-002153
Lower Court Case No. 2000-CP-46-01414

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DEC 27 2013

S.C. Supreme Court

Antonio Gordon

Petitioner,

v.

The state of South Carolina

Respondent.

Motion to release Counsel and motion
to Explain why the December 9, 2003,
order should not be vacated and the Pro Se
Notice of Appeal should not be dismissed
as moot.

Petitioner filed for Post-conviction Relief and the Court appointed
Tara Dawn Shurling, esq, as Counsel. A hearing was convened on July 29,
2003, and the application was dismissed without all claims being
addressed in the order of Dismissal. Petitioner wrote Counsel and asked
her to file a SCR. Civ. Proc Rule 59(e), motion. See Attachment (A)
Petitioner did not hear from Counsel concerning the filing of the Rule
59(e), motion. Soon thereafter, Petitioner then filed a Pro Se motion
for Reconsideration of Facts / rehearing on November 25, 2003, before the
10 days expired. See FN 1 In August of 2006 Petitioner received a
letter from Tara Shurling, esq, with the order denying the motion for
Reconsideration and/or Rehearing, stating she would file a Notice of Appeal
and failed to do.

In October of 2013, Petitioner filed a Pro Se Notice of Appeal with
an Rule 243 (c) explanation dated October 4, 2013, from the order issued

FN 1 Due to the clerk of Court serving the wrong Counsel of Record it tolled
the time to file a Rule 59(e), and Notice of Appeal.

December 9, 2003. This Court on December 10, 2013, issued an order advising Tara Shurlingreso, she is to remain Counsel of record before this Court under Rule 71.1 (9), and issued a 15 day order to Counsel to Explain why the December 9, 2003, order should not be vacated and the Pro se notice of Appeal should not be dismissed as moot. Miller v. State, 697 S.E.2d 527 (2010).

Petitioner move to Relieve Counsel Tara Dawn Shurlingreso, as Counsel of Record before this Court for the following Reasons:

(1). Counsel have clearly ignored Petitioner's one bite at the apple ~~and~~ by failing to file a 59(e) motion despite Petitioner's request. According to Antonio Gordon, matter number -11-DE-L-1149, she did not because the time had expired by time Petitioner requested such motion be file.

(2). Counsel failed to Appeal the order from the Pro se Reconsideration of Facts and/or Rehearing order as stated;

(3). Counsel have failed to comply with the order issued by this Court December 10, 2013, totally disregarding Petitioner's one bite at the apple.

Petitioner assert he must be seen to be "without Counsel" and in the same position as that of the Applicant in Case v. State 1277 S.C. 474, 289 S.E.2d 413 (1982). Petitioner should be allowed to Proceed Pro se and file an explanation and explain why the December 9, 2003, order should not be ~~dismissed~~ vacated and the Pro se Notice of Appeal should not be dismissed as moot.

Antonio Gordon

state of South Carolina

In The Supreme Court

Appeal from York County

Court of Common Pleas

J. Ernest Kinard, Circuit Court Judge

Appellate Case No. 2013-002153

Lower Court Case No. 2000-CP-46-01414

Antonio Gordon

Petitioner

v.

The State

Respondent

Certificate of service

I, Antonio Gordon, hereby certifies that he placed in the mail to opposing counsel James Rutledge Johnson, esquire, Attorney General (1) motion to relieve counsel, (1) order of Dismissal issued December 9, 2003. This was sent to the address of the Attorney General office, post office Box 11549, Columbia, SC 29211

Monday 23 2013

Antonio Gordon

FORM 4

STATE OF SOUTH CAROLINA
COUNTY OF YORK
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NO. 00-CP-46-1414

ANTONIO GORDON, #259798

STATE OF SOUTH CAROLINA

PLAINTIFF(S)

DEFENDANT(S)

CHECK ONE:

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial of hearing before the court. The issues have been tried or heard and a decision rendered.
- ACTION DISMISSED (CHECK REASON):** Rule 12(b), SCRPC; Rule 41(a) SCRPC (Vol. Nonsuit); Rule 43(k), SCRPC (Settled); Other _____.
- ACTION STRICKEN (CHECK REASON):** Rule 40(j) SCRPC; Bankruptcy; Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; Other _____.

IT IS ORDERED AND ADJUDGED: See attached order; Statement o Judgment by the Court

ORDER

Dated at YORK, South Carolina, this 12TH of JANUARY, 2004

S/J. ERNEST KINARD
PRESIDING JUDGE

CERTIFIED TRUE COPY
 2006 JUL 27 PM 3:36
 DAVID HAMILTON
 CLERK OF COURT
 YORK COUNTY, SC

This judgment was entered on the 15TH ay of DECEMBER, 2003 and a copy mailed first class this 22ND day of JANUARY, 2004, to attorneys of record or to parties (when appearing pro se) as follows:

LAURIE ANN BANKER
SUITE 100
454 S ANDERSON RD
ROCK HILL SC 29730

JEANNETTE VANGINHOVEN
P O BOX 11549
COLUMBIA SC 29211-1549

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

DAVID HAMILTON
CLERK OF COURT

SCRPC APP-24

SCRPC FORM 4 (REVISED 5/00)

STATE OF SOUTH CAROLINA FILED - RECEIVED IN THE COURT OF COMMON PLEAS
COUNTY OF YORK) SIXTEENTH JUDICIAL CIRCUIT

2003 DEC 15 PM 4:33

Case Number: 2000-CP-46-1414

ANTONIO GORDON, #259798

DAVID HAMILTON
C.C.D. & G.S.
YORK COUNTY, SC

ORDER

Applicant,

v.


STATE OF SOUTH CAROLINA,

Respondent.

This matter came before the Court on the Applicants Motion for Rehearing and/or Motion for Reconsideration of Facts relating to a Post-Conviction Relief ("PCR") hearing on July 29, 2003. This Court dismissed the Applicants PCR application and an Order of Dismissal was signed on August 18, 2003. After careful consideration of the Applicants memorandum, the Motion for Rehearing and/or Motion for Reconsideration of Facts is denied as all issues that were brought before this Court in the PCR application were considered and ruled upon in the initial dismissal. A party may not raise additional issues after the original PCR hearing and seek a rehearing based upon those new issues.

IT IS SO ORDERED

December 9, 2003


Judge J. Ernest Kinore
Circuit Court Judge
Fifth Judicial Circuit

DAVID HAMILTON
CLERK OF COURT
YORK COUNTY, SC

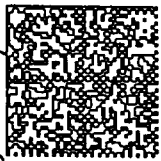
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Antonio Gordon 259798
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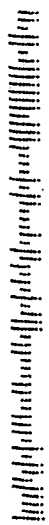
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South Carolina Supreme Court
Post Office Box 11330
Columbia, SC 29211



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RESTRICTED CORRESPONDENTS
INMATES ARE NOT PERMITTED TO
CORRESPOND WITH INMATES OF
OTHER PENAL INSTITUTIONS UNLESS
PRIOR PERMISSION IS GRANTED BY
THE HEADS OF THE
INSTITUTION CONCERNED.